

## **Modified Presentence Investigation Reports**

Should a defendant meet the criteria outlined by the Court in [\*Misc. Order 1:05-mc-227\*](#) (see **Order on the following page**), a **Modified Presentence Investigation Report** will be prepared. A Modified Report contains only offense conduct, offense level calculations, criminal history calculations and the sentencing options available to the Court.

The Report will not contain Part C: Offender Characteristics as found in regular Presentence Investigation Reports, and a probation officer will not interview the defendant for the Report. However, the U.S. Bureau of Prisons requires certain information regarding Physical Condition and Substance Abuse in order to designate a defendant. The defense attorney must provide the U. S. Probation Office a brief listing of any serious, diagnosed medical conditions requiring ongoing treatment (e.g., diabetes, HIV, etc.) as well as any controlled substances used by the defendant during the past five years, including alcohol if used abusively (e.g., marijuana, cocaine, alcohol).

If none of these issues apply to the defendant, the Modified Presentence Investigation Report will report "None." **This information must be provided within 14 days of entry of plea or verdict** via email or U.S. Mail. If no response is received from the defense attorney, the Report will note "Requested- not provided." A separate request for this information is emailed to the defense attorney of record following entry of plea or verdict.

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
MISC. NO. 1:05 mc 227

**FILED**  
ASHEVILLE, N. C.

NOV 16 2005

IN RE:

MODIFIED PRESENTENCE  
INVESTIGATION REPORTS

U.S. DISTRICT COURT  
W. DIST. OF N. C.

THIS MATTER is before the Court on request of the Chief U. S. Probation Officer for the Western District of North Carolina and arises from the need to prepare Modified Presentence Reports in 10% of the cases requiring a presentence report due to cost containment measures implemented by the Administrative Office of the United States Courts.

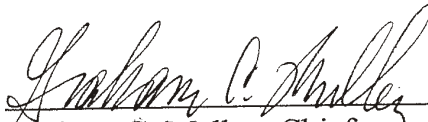
Unless otherwise directed by the sentencing judge, the United States Probation Office shall have the option of preparing Modified Presentence Reports on defendants subject to sentencing in U. S. District or U. S. Magistrate Court who meet any of the following criteria:

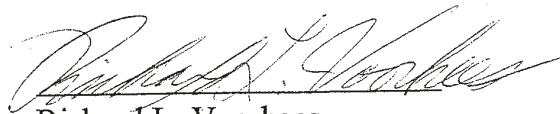
- Convicted of Illegal Reentry of Deported Alien (8 U.S.C. § 1326)
- Convicted of Escape (18 U.S.C. § 751)
- Convicted of Failure to Surrender for Service of Sentence (18 U.S.C. § 3146 (a)(2))
- Convicted of a Class A Misdemeanor
- A plea pursuant to Rule 11(c)(1)(C) has been entered
- Applicable guideline sentencing range falls within Zone A, B or C
- The majority of the projected sentence has been served in pretrial detention
- A full presentence report has previously been prepared and is available to the court

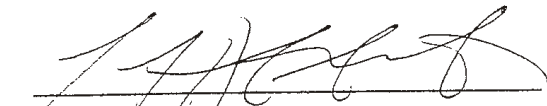
If after receiving a Modified Presentence Report, the sentencing judge determines there is insufficient information in the record to enable sentencing under 18 U.S.C. § 3553, a full presentence report may be ordered.

This Order shall become effective immediately, and shall continue in effect until further Order of this Court.

IT IS SO ORDERED, this 21<sup>st</sup> day of OCTOBER, 2005.

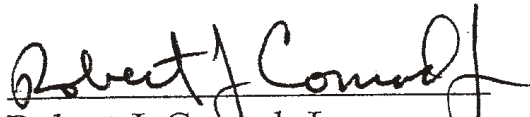
  
Graham C. Mullen, Chief  
United States District Judge

  
Richard L. Voorhees  
United States District Judge




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Lacy H. Thornburg  
United States District Judge




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Robert J. Conrad, Jr.  
United States District Judge



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Carl Horn, III  
United States Magistrate Judge



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Dennis L. Howell  
United States Magistrate Judge



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David C. Keesler  
United States Magistrate Judge